FINDINGS AND RECOMMENDED SPECIAL CONDITIONS

"S" ZONE APPROVAL AMENDMENT NO. SA2006-41

Accessory Structures, Perimeter Fence and Site Lighting at 1608 Pebble Beach Court (APN 029 55 019)

Planning Commission Recommended Approval: August 23, 2006

FINDINGS

- 1. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15303 (New Construction or Conversion of Small Structures including patios and fences) of the California Environmental Quality Act (CEQA) Guidelines.
- 2. The proposed layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding developments.
- 3. The proposed project is consistent with the General Plan Implementing Policy 2.a-I-18, which ensures that development in the hillside area is reviewed and approved such that it is keeping with the natural character of the hillside and views are protected. As conditioned, the materials, design of the accessory structures and reduction in lighting are in keeping with the natural setting and view of the hillside.
- 4. As conditioned, the accessory structures, lighting and fence are consistent with the Zoning Ordinance and meet the intent, development standards and guidelines of the Hillside Ordinance in terms of privacy, bulk, natural landscape, impairment of light and air and grading.

SPECIAL CONDITIONS

- 1. This Site and Architectural Approval Amendment No. SA2006-41 is to permit the construction of new accessory structures, including a deck, gazebo, arbor and trellis, addition of new lighting and the relocation of the perimeter fence, as shown on the proposed plans and as modified by these conditions of approval. Any significant modification of this approval requires review by the Planning Commission and City Council. Any other minor modifications, per Section 42-10-2, to approved plans may be approved by the Planning Division or Planning Commission Subcommittee. (P)
- 2. Prior to building permit issuance, the applicant shall reduce the wattage of all the site lighting to a level acceptable to the Planning staff, that will safely illuminate the immediate area yet not be visible from off-site. (P)
- 3. Prior to any building permit issuance, the applicant shall submit details of the replacement post light fixture for Planning Staff approval to ensure they properly prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties or roadways. (P)

- 4. This project shall be conducted in compliance with all appropriate local, state, and federal laws and regulations. (P)
- 5. At the time of building permit plan check submittal, the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to occupancy/final permit issuance. (E)
- 6. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
- 7. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
- 8. Prior to building permit issuance, developer must pay all applicable development fees. (E)
- 9. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)
- 10. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "D". (E)
- (P) = Planning Division
- (E) = Engineering Division

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing	Report Prepared by: Momo Ishijima		
Public Hearing: Yes:	X No:		
Notices Mailed On: 8/11/0	6 Published On: 8/10/06 Posted On: 8/11/06		
TITLE:	"S" ZONE APPROVAL AMENDMENT NO. SA2006-41, LEE RESIDENCE		
Proposal:	A request for the construction of new accessory structures, including a deck, gazebo, arbor and trellis, addition of new lighting and the relocation of the perimeter fence for a hillside residence.		
Location:	1608 Pebble Beach Court		
APN:	029 55 019		
RECOMMENDATION:	Recommend approval to City Council.		
Applicant:	Cindy Hui, China Garden Company, 223 Del Monte Ave, South San Francisco, CA 94080		
Property Owner:	Tracy Mei Yueh Lee, 1608 Pebble Beach Court, Milpitas, CA 95035		
Previous Action(s):	"S" Zone Approval		
Environmental Info:	The proposed project is categorically exempt per Section 15303 (New Construction or Conversion of Small Structures – including patios and fences) of the California Environmental Quality Act (CEQA) Guidelines.		
General Plan Designation:	Hillside Medium Density Residential		
Present Zoning:	D1 H Cinala Camilla Hillaida Distant		

Present Zoning:

R1-H, Single Family Hillside District

(PUD 21, Summit Pointe Planned Unit Development)

Existing Land Use:

Single Family Residence

Agenda Sent To:

Applicant and owner as noted above

Attachments:

(1) Project plans

(2) Project statement

(3) Homeowner's Association letter

PJ#:

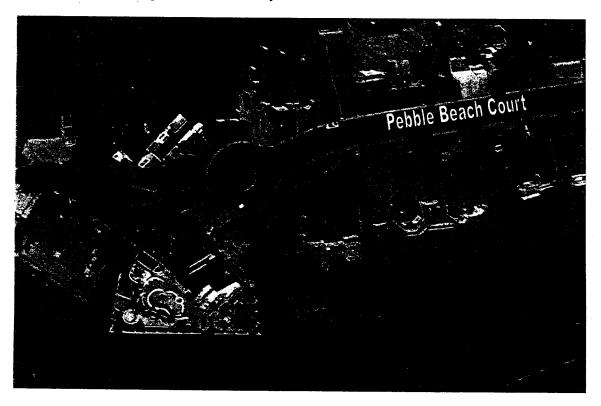
N/A

BACKGROUND

The City Council approved Planned Unit Development (PUD) 21, Summit Pointe, on May 17, 1984, for the subdivision of 88 lots in the hillside area. The Planning Commission approved the site and architectural plans ("S" Zone Approval) for the subject residence on June 19, 1986.

Site Description

The project site is located in the Summit Pointe PUD in the hillside on the south side of Pebble Beach Court at the end of the cul-de-sac. The 20,004 square foot lot consists of a single-family residence with a spa, concrete patio, arbor, outdoor barbeque and iron fencing around the lawn area in the southwestern portion of the rear yard.



THE APPLICATION

The application is submitted pursuant to Section 45.09 (Hillside Combining District Site and Architectural Approval), Section 54.11-5 (Hillside Fences) and Section 54.09 (Accessory Building and Structure) of the Milpitas Zoning Ordinance.

Project Description

The applicant is requesting the removal of the existing spa, a portion of the concrete patio, arbor and iron fencing, the relocation of the outdoor barbeque and the installation of new accessory

PAGE 3 of 3 P.C. ARS—August 23, 2006 SA2006-41 — Lee Residence Pebble Beach Court

structures, including a deck, gazebo, arbor and trellis, slate patio, pavers, dry creek, waterfall, footbridge, putting green and the addition of new lighting and perimeter fence.

Deck: The deck is approximately 630 square feet. The deck extends from the southeast side of the rear yard at grade level to the southwest with the highest part of the deck at 4 feet 6 inches above the ground. The deck is constructed of Trex deck material, a composite of wood and recycled plastic, with a 3-foot iron railing around the perimeter. The outdoor barbeque will be relocated to the east side of the deck. The deck and iron railing will be painted a light gray color.

Gazebo: The gazebo is 12 feet in height and approximately 108 square feet. The gazebo structure will be located in the lawn area in the southwest side of the rear yard. The gazebo has a hexagonal shape, constructed of wood with six 8-inch diameter column posts. The roof will be hipped with asphalt shingles to match the existing residence. The gazebo has seating with a backrest, approximately 2 feet in height around the edge. The gazebo will be painted a light blue-gray color to match the existing residence.

Arbor/Trellis: Arbor #1 is 9 feet 10 inches in height and approximately 440 square feet. The arbor structure is attached to the existing residence and projects south toward the proposed deck over a slate patio. The arbor structure is constructed of fir (wood) with flat lateral beams and eight 10-inch diameter column posts. The arbor will be painted a light blue-gray color to match the existing residence.

Arbor: Arbor #2 is 12 feet 6 inches in height and approximately 100 square feet. The arbor structure will replace the existing arbor structure on the southeast side of the rear yard. The arbor structure is constructed of redwood with a hipped open roof and four wood posts. The arbor will be painted a tan color. A portion of the existing concrete patio will be removed and replaced by pavers with ground cover edging in the area between the residence and Arbor #2.

The area of the proposed work is relatively flat with a steeper grade drop off toward the rear property line. The applicant proposes to install a dry creek, waterfall and a footbridge between Arbor #2 and the Arbor #1/deck area. A putting green will be added in the lawn area adjacent to the gazebo.

Fence: The applicant is requesting to permit a perimeter fence at the rear and sides of the property. Most of the existing fence is comprised of a white wrought iron fence, which extends diagonally from the back of the house around the lawn area to the rear of the property in a southwesterly direction. The applicant proposes to remove this fence and replace it with openwork galvanized iron fence along the rear and side property lines. The total height of the fence will be 6 feet high with a 1-foot stucco base wall and 5 feet of galvanized iron fence. The fence is uniformly open with a 15-inch ornamental ironwork design approximately every 8 feet with a gray slate post every 25 feet.

The applicant is also proposing other minor changes that can be reviewed administratively including new landscaping and the installation of lighting along the front driveway.

Conformance with the General Plan

The proposed project is consistent with the General Plan and with Implementing Policy 2.a-I-18.

Implementing Policy 2.a-I-18

To ensure that development in the foothills is in keeping with the natural character of the hillside, and that views are protected, require city review and approval of all proposed development or major alterations to existing development in the hillside. As part of the review, ensure that:

- Landscaping is of a type indigenous to the area;
- Building designs, materials and colors blend with the environment;
- Grading is minimized and contoured to preserve the natural terrain quality.

Comment: The proposed project is consistent with the above policy, which ensures that development in the hillside area is reviewed and approved such that it is in keeping with the natural character of the hillside and views are protected. As conditioned, the materials, design of the accessory structures and lighting will be in keeping with the natural setting and view of the hillside.

Conformance with the Zoning Ordinance

The project is consistent with the following applicable hillside development standards of the Zoning Ordinance and PUD 21 development standards:

Hillside Development Standard	Proposed Project	Complies?
Accessory Structure Height - 17 feet	9 feet 10 inches ~ 12 feet 6 inches	Yes
Accessory Structure Size – 2,000 sq. ft.	1,278 sq. ft. (total)	Yes
Outdoor Lighting – minimum wattage, shielded so not directly visible off-site	Fixtures with shields	Yes (as conditioned)
Fence Material – natural or other material approved by the Commission.	Slate with stucco & galvanized iron	Yes (with PC approval)
Fence Height - none	6' maximum interior height	Yes
Fence Openwork – 75% Transparency	75%	Yes

Impervious Surface Coverage – 8,000 sq. ft.	7,903 sq. ft.	Yes
Roof Material – ceramic or concrete tile metal, tri-laminate asphalt composition	Tri-laminate asphalt composition on gazebo	Yes

ISSUES

Accessory Structures

The accessory structures are consistent with the Zoning Ordinance in terms of height, size and impervious surface coverage. Section 45.09-7, related to "Site and Architectural" review guidelines, requires the avoidance of unreasonable interference with views and privacy. The height, elevations and placement of the accessory structures on the site, when considered with the location of residential structures on adjacent lots, avoids unreasonable interference with views and privacy. The new accessory structures will be placed on a flat area immediately behind the existing residence. There will not be a need for further grading or tree and soil removal. The proposed accessory structures help to break up the bulk of the main residence and will not impair the light and air of the adjacent properties.

PUD 21 requires decks to be 3 feet from rear and side property lines. The proposed deck is 20 feet from the rear property line and approximately 40 feet from the side property line.

Fence

The existing and proposed modifications to the perimeter fence are in conformance with the zoning ordinance with the exception of material. Pursuant to Section 54.11-5 all fence posts and supporting framework must be wood in order to maintain the rural character of the hillside. However, as noted in this section, the Planning Commission may approve an alternative material for the posts. The existing posts and retaining wall bases are comprised of concrete posts covered with stucco or gray slate tiles. The use of the concrete allows the base to act as a retaining wall, which connects to the post. The base and posts complement the residence and similar material proposed within the rear yard. Similar fence materials have been approved and installed within PUD 21 and therefore staff concludes it would be appropriate within the hillside development.

Light Fixtures

Pursuant to Section 45.15 (Outdoor Lighting) of the Hillside Ordinance, outdoor lighting should use minimum wattage lights, which are shielded so as not to be directly visible from off-site. The applicant proposes three types of light fixtures to replace existing light fixtures. A total of 27 path lights will be installed with a 0.2-foot foot-candle light source. The path lights are 8.25 inches in height and will illuminate the front driveway area and paths in the back yard. 18 spotlights are also proposed to light up trees in the front and rear yards. The spotlights are 5.3 inches in height and will be directed up from the base of the tree. There will be four (4) post

lights at the two driveway entrances, one on each side of the driveway. The post lights will be situated on a three-foot posts with gray slate tiles. The post lights are glass with a brass finish and the brightness is proposed to be 1-foot candle. **Staff recommends** the following conditions that would achieve the objective of the ordinance:

- Reduce the wattage of the site lighting that will safely illuminate the immediate area, yet not be visible from off-site, and;
- Submit details of the replacement light fixtures for the post lights for Planning Staff approval to ensure they properly prevent illumination of adjoining properties or the creation of objectionable visual impacts on other properties or roadways.

Impervious Surface

The existing impervious surface at the project site is 6,934 square feet. There will be an addition of 969 square feet of impervious surface with the proposed construction of accessory structures and the replacement of a portion of the concrete patio with pavers. The proposed total impervious surface will be 7,903 square feet.

As conditioned, the accessory structures and fence meet the intent, development standards and guidelines of the Hillside Ordinance. The structures are consistent with Section 45.09-7 (Hillside Site and Architectural Guidelines) of the Zoning Ordinance in that they do not interfere with views and privacy. The property is located on a down slope with no residences below it and is not visible from the valley floor or public rights-of way. The reduction in lighting levels will assist in reducing impacts on adjacent properties. The addition of the impervious surface with pavers and ground cover preserves the natural landscape, as does the use of wood in most of the structures. The accessory structures are not bulky in that they are openwork design (not solid) and do not impair light and air to pass through them. Grading of the site was approved with the original subdivision that created PUD 21. No permits are required for the retaining walls and landscaping that terrace the rear and side yards. Overall, the grading of the site is in concert with the existing natural contours of the hillside terrain and is consistent with the grading requirements.

Conformance with CEOA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15303 (New Construction or Conversion of Small Structures – including patios and fences) of the California Environmental Quality Act (CEQA) Guidelines.

Neighborhood/Community Impact

On April 6, 2006, the Summit Pointe Home Owner's Association Architectural Committee reviewed and approved the proposed modifications at the project site. Additionally, the applicant has shared the proposed plans with the two adjacent property owners and has submitted a letter of agreement signed by the two neighbors dated April 6, 2006.

PAGE 7 of 7 P.C. ARS—August 23, 2006 SA2006-41 – Lee Residence Pebble Beach Court

RECOMMENDATION

Close the Public Hearing. Recommend approval of Site and Architectural Approval Amendment No. SA2006-41 to the City Council based on the Findings and Special Conditions of Approval listed below.

FINDINGS

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- (P) = Planning Division
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CITY OF MILPITAS UNAPPROVED

PLANNING COMMISSION MINUTES

August 23, 2006

I. PLEDGE OF ALLEGIANCE Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of

Allegiance.

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Present:

Ali-Santosa, Azevedo, Galang, Mandal, Tabladillo and Williams

ROLL CALL

Absent:

Ciardella

Staff:

Bejines, Carrington and Ishijima

Ш.

PUBLIC FORUM

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

IV.

APPROVAL OF MINUTES of August 9, 2006.

Chair Williams called for approval of the minutes of the Planning Commission meeting of August 9, 2006.

August 9, 2006

Staff had no changes to the minutes.

Motion to approve the August 9, 2006 minutes.

M/S: Galang/Mandal

AYES: 5

NOES: 0

ABSTENTIONS: 1 (Azevedo)

V.

ANNOUNCEMENTS

Mr. Carrington noted that at last week's City Council meeting, they recommended that the Fairfield project move forward. The Fairfield project is a proposed change from light industrial to residential which staff was recommending denial because staff felt it was not appropriate for the area. The project will be brought to the Commission at a future date.

Commissioner Mandal asked what is the process. Mr. Carrington said that Fairfield did submit a complete application however staff did not review the EIR because it did not want to spend applicant money to review a project that staff wanted to deny. Under CEQA, staff doesn't have to do an environmental review if they are recommending denial. Now that Council has requested that the item go forward for processing, staff is reviewing the EIR and will take it to the Commission in the future.

Commissioner Mandal asked when would the project be coming back to the Commission. Mr. Carrington estimated at least two or 3 months.

Mr. Carrington also announced that the Council continued King Crab at a future date and the Commissioners lockers have been moved to the Fourth Floor Conference Room.

VI. CONFLICT OF INTEREST City Attorney Richard Pio Roda asked if the Commission has any personal or financial conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

VII. APPROVAL OF AGENDA

Chair Williams called for approval of the agenda.

Staff had no changes to the agenda.

Motion to approve the agenda.

M/S: Azevedo/Galang

AYES: 6 NOES: 0

VIII. CONSENT CALENDAR Item No. 2

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Commissioner Azevedo requested that Agenda Item No. 1 ("S" Zone Approval Amendment No. SA2006-41) be added to the consent calendar.

Chair Williams pointed out that staff submitted a memo with corrections to the staff report that read as follows:

- Height of Arbor #1 should be corrected to 9 feet 10 inches instead of 8 feet.
- Fence will be comprised of a "galvanized" iron fence instead of "wrought" iron fence. Galvanized iron fences are more durable.
- Distance between the fence posts will be 25 feet instead of 8 feet.

Motion to add Agenda Item No. 1 to the consent calendar including staff's corrections.

M/S: Azevedo/Tabladillo

AYES: 6 NOES: 0

Chair Williams opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing on Consent Item No.1 and continue Item No. 2 to September 27, 2006.

M/S: Azevedo/Mandal

AYES: 6 NOES: 0

Motion to approve the consent calendar.

M/S: Azevedo/Mandal

AYES: 6 NOES: 0

- *1 "S" ZONE APPROVAL AMENDMENT NO. SA2006-41: A request for the construction of new accessory structures, including a deck, gazebo, arbor and trellis, addition of new lighting and the relocation of the perimeter fence for a hillside residence located at 1608 Pebble Beach Court. (Recommendation: Recommend Approval to City Council)
- *2 USE PERMIT AMENDMENT NO. UA2006-2 (Continued from June 14, 2006): A request to sell all types of alcohol in conjunction with an existing convenience store located at 1491 S. Main Street. (Recommendation: Continue to September 27, 2006)

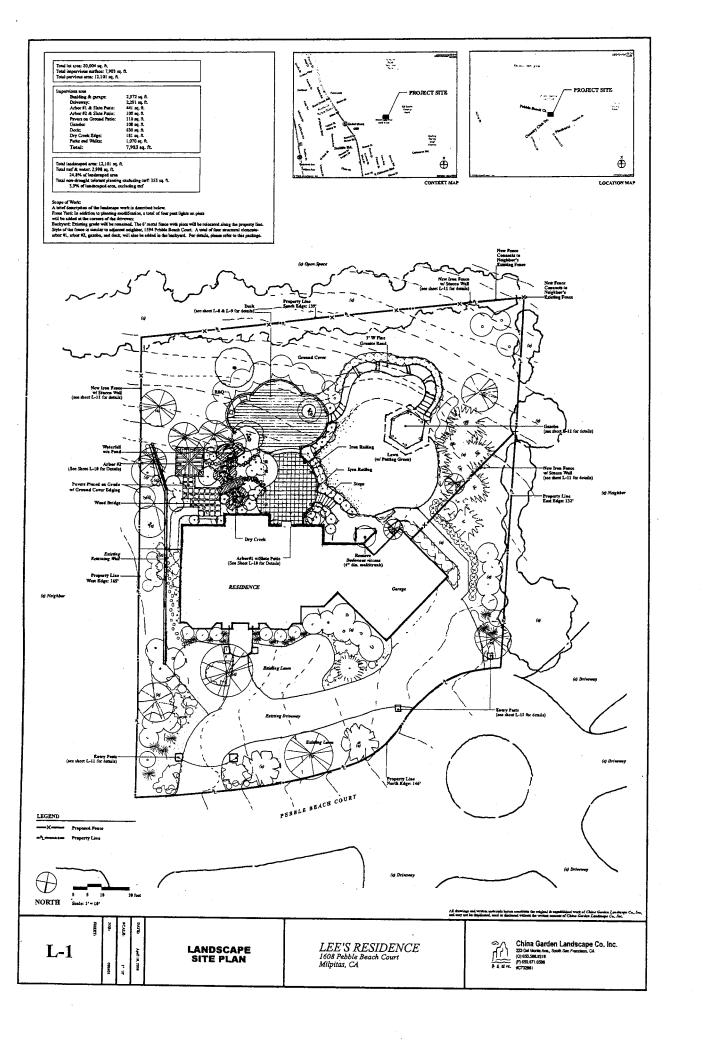
IX. ADJOURNMENT

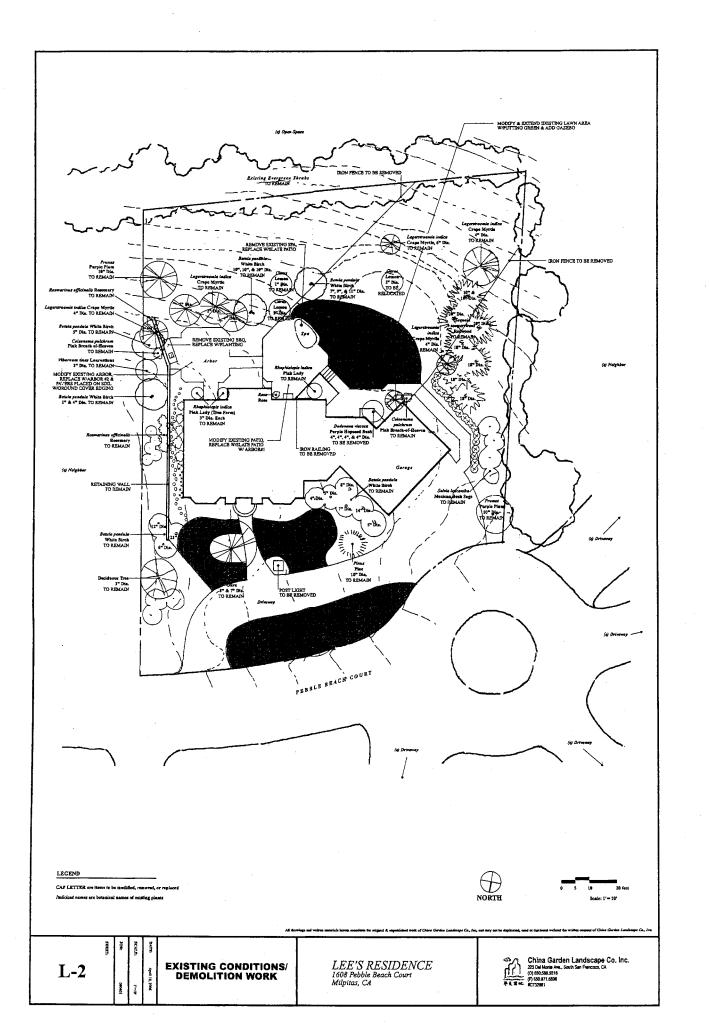
The meeting was adjourned at 7:09 p.m. to the next regular meeting of September 13, 2006.

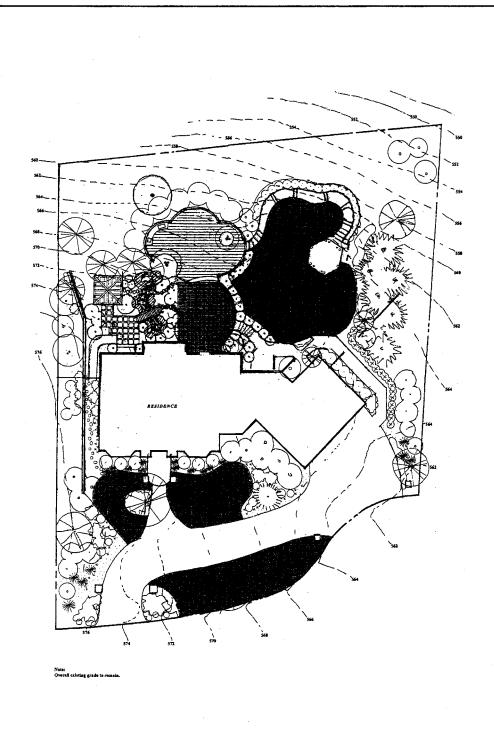
Respectfully Submitted,

Tom Williams Planning and Neighborhood Services Director

Veronica Bejines Recording Secretary









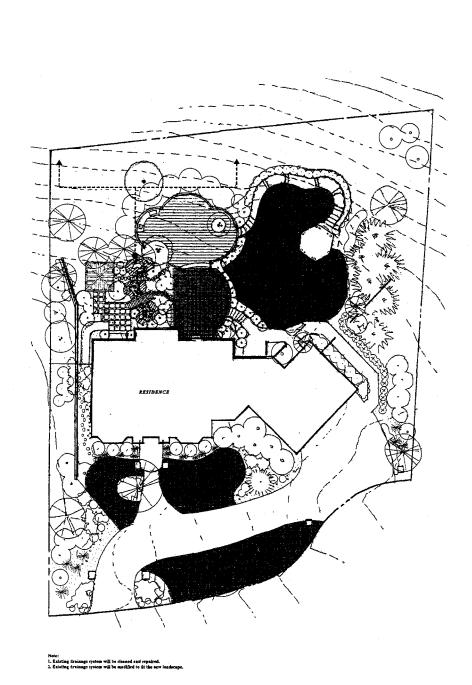


L-3 **GRADING PLAN**

LEE'S RESIDENCE 1608 Pebble Beach Court Milpitas, CA



China Garden Landscape Co. Inc.
220 Del Moree Are, South See Francisco, CA
(0) 650 588, 2218
(7) 650 58871.6588
ACTORISE



LECENT

● 6" Drain Tale

===== 4" Perforated Pip

NORTH



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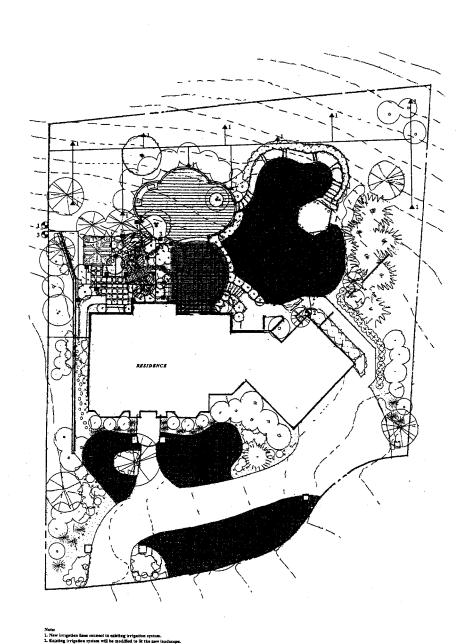
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DRAINAGE PLAN

LEE'S RESIDENCE 1608 Pebble Beach Court Milpitas, CA W.

China Garden Landscape Co. Inc 223 Out Mortle Ave., South Sen Francisco, CA (0) 850.589.2818





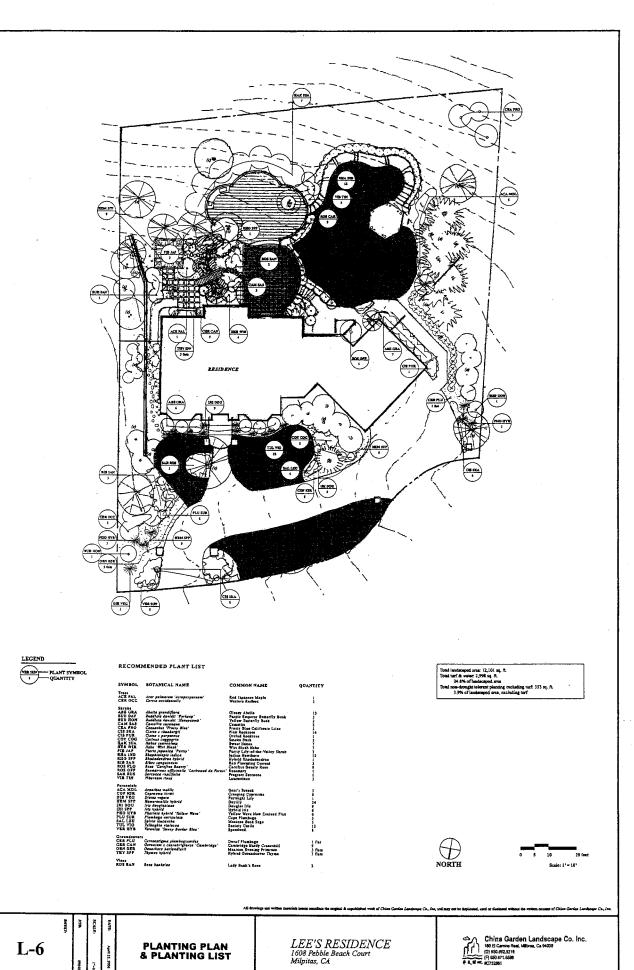


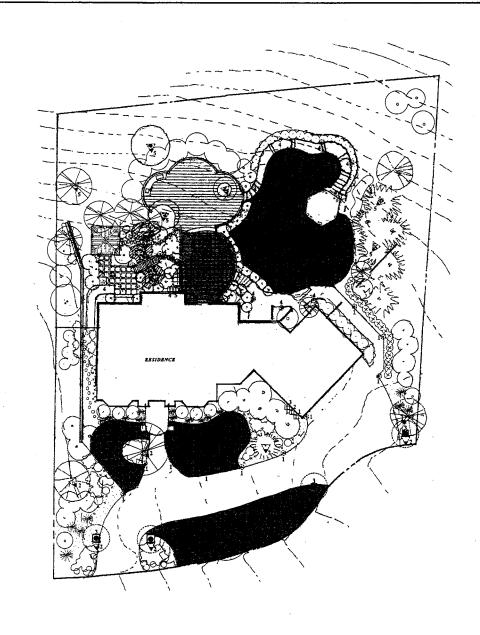
L-5

IRRIGATION PLAN

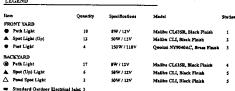
LEE'S RESIDENCE 1608 Pebble Beach Court Milpitas, CA

China Garden Landscape Co. Inc. 223 Del More Ave., South Sen Francisco, CA. (0) 600 SEA 2018 (F) 600 ST ASSE











Path Light model: CL635R by Malibu





Post Light model: NY9842AC by Quoizel





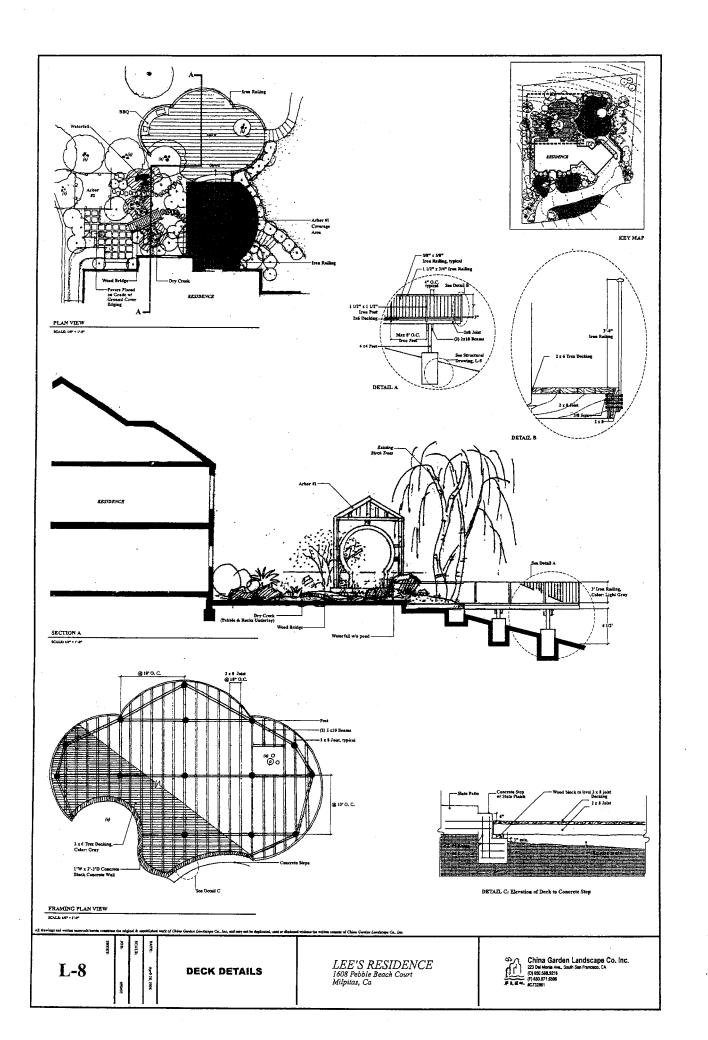
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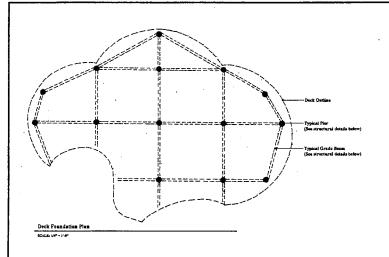
LIGHTING PLAN

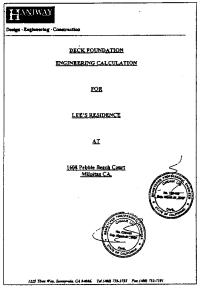
LEE'S RESIDENCE 1608 Pebble Beach Court Milpitas, CA

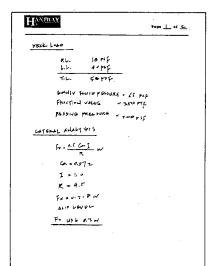


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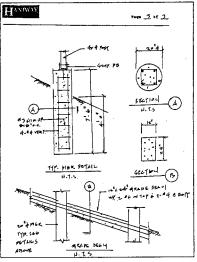












Structural Calculation prepared by Haniway Co.



Project No. 7383 23 April 2006

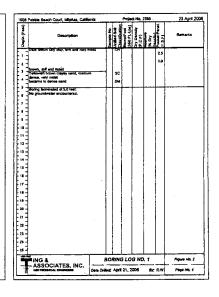
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Soil Engineer Report prepared by Wayne Ting & Asse

Wayne Liting C.B. Principal Bogioser



WATER THE & ASSOCIATES, INC



SCALE SHEED ğ DATE L-9

DECK DETAILS

LEE'S RESIDENCE 1608 Pebble Beach Court Milpitas, Ca



China Garden Landscape Co. Inc. 221 Del Monte Ave., South San Francisco, CA (0) 550 384 218 (F) 550.571 5598 20172661

